

EXHIBIT B

NEWS

Bharara sues city over NYPD rejecting man with HIV

By Kaja Whitehouse and Lorena Mongelli

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Raymond Parker
Gregory P. Mango

A Brooklyn man who said he was denied a city job because of his HIV status gained a powerful ally this week when Manhattan US Attorney Preet Bharara took up his cause — and sued the city for discrimination.

Raymond Parker, of Brooklyn, said he is already in talks to win back the same job the NYPD rejected him for three years ago because of his being HIV positive.

“They can’t disqualify me because of my disability,” Parker told The Post Wednesday.

“I know that there are hundreds of thousands of diseases that people work with and there is no reason to exclude me because of my disability.”

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Americans with Disabilities Act, says the police department refused to hire Parker for a job as a
rough he was qualified for the position.

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Parker, 60, applied for the job of police communications technician in July 2013 and was given a “conditional” offer of employment shortly thereafter, according to the feds.

At his medical examination, which came next, he was upfront about his HIV, as well as the antiretroviral HIV medications, according to the complaint.

But the NYPD reached out anyway and requested more information about Parker’s CD4 count, a measure of health in people with HIV. The lower the CD4 cell count, the greater the risk of illness.

In Dec. 2013, the NYPD sent Parker a “Notice of Medical Disqualification,” which said he was medically disqualified for dispatcher job due to his “HIV low CD4 count.”

Parker filed a complaint with the Equal Employment Opportunity Commission, which then referred the case to Bharara. In the initial complaint, Parker said the discrimination he suffered at the hands of the NYPD caused him a lot of emotional distress, including “chronic sleeplessness, anxiety, increased depression and feelings of being withdrawn.” It was his first ever discrimination complaint with the city, he said.

Bharara’s lawsuit said it is illegal to refuse to hire someone based on a disability. And HIV — even if asymptomatic — is considered a disability under the ADA.

“The NYPD’s failure to hire Parker because of his disability was an adverse employment action,” the Bharara lawsuit said. “The NYPD did not have a legitimate non-discriminatory reason for failing to hire Parker.”

“I keep myself in shape. I don’t let my body wither. I live life to the fullest,” Parker said. “I felt confident i could do the job.”

“The police department showed blatant disrespect,” Parker said. “The law is the law and apparently they didn’t get the memo.”

Parker said he has already received paperwork in the case offering him retroactive pay and a conditional job offer. He signed the paperwork yesterday, he said.

“The suit is currently under review,” said Nick Paolucci, a spokesman for the city’s Law Department. “The case has not been resolved.”

The NYPD declined to comment, citing pending litigation.

The lawsuit demands that the NYPD be barred from “engaging in any act or practice that discriminates against any employee or applicant for employment on the basis of disability.”

Bharara also asked the court to compensate Parker for “injuries caused by the NYPD’s discriminatory.

Additional reporting by Tina Moore

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